

REMARKS

The present application includes pending claims 1-44, all of which have been rejected. Claim 30 has been amended to clarify aspects of the invention.

Claims 1-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,813,775 (“Finseth”) in view of U.S. 2002/0144273 (“Reto”). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following.

Claim 1 recites, in part,

receiving a request for consumption of media of a second user at the second location, from a first user at the first location;

at the time of said receiving the request for consumption of media of the second user at the second location, from the first user at the first location, sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one condition is met, to enable interaction of the first user and the second user during media consumption by the first user.

Thus, the claim is clear that a first user **requests** (not invited to share) to consume media **of** a second user (not broadcast television or pay-per-view programming of a separate and distinct media provider) at a second location. When that request is made, an indication of media consumption activity is sent to the second user at the second location if at least one condition is met.

Independent claims 11, 22, 30 and 40 recite similar limitations.

The Office Action asserts that Finseth discloses all of the claim limitations except that it’s “unclear with respect to *receiving a request for consumption of media of a second user at the second location, from a first user at the first location; at the time of said receiving the request for*

consumption of media of the second user at the second location, of media of the second user at the second location, from the first user at the first location, sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one condition is met to enable interaction of the first and second user during media consumption by the first user.” See August 11, 2009 Office Action at page 3 (emphasis in original).

In an attempt to overcome these deficiencies of Finseth, the Office Action relies on Reto at Figures 35-37 and Paragraphs [0041]-[0042] and [0175]-[0176]. *See id.* As explained below, however, Reto does not make up for all of the acknowledged deficiencies of Finseth.

Reto discloses a system that “includes a plurality of client devices 1, 2, 3, 4, ... connected to a server 5 through a network.” *See Reto* at [0093]. As shown in Figure 1 of Reto, the server 5 is separate and distinct from the client devices 1, 2, 3, 4. Similarly, as shown in Figure 34 of Reto, the pay-per-view server 8 is separate and distinct from the client devices 1, 2, 3, 4.

Reto discloses a “configuration be provided to enable user to **invite**” as opposed to requesting media, “to watch the same content.” *See id.* at [0020] (emphasis added). “When the content is broadcast content, then a user can **invite** anyone with a client device that includes a broadcast receiver to watch the **same content together**.” *See id.* at [0021] (emphasis added). Notably, the “broadcast content” is not content of the users. Instead, it is separately broadcast, and users tune into the broadcast.

Additionally, “[w]hen the content is pay content, the **invitation** of a friend provides a very strong recommendation to purchase the pay content, which is beneficial to **providers of the pay content**.” *See id.* at [0022] (emphasis added). Again, the pay content is **not** content of the users. Instead, it is that of the “providers of the pay content.” One user who is watching such

pay content may **invite** another user to join in watching the pay content at the same time. Notably, the invitee does not **request** to watch media content of the inviter. That is, Reto discloses that a user may opt to “share” pay content being provided through the pay-per-view server 8 (but not any of the users), but not that the other user explicitly requests such pay content provided by the separate and distinct server 8, or any media content of the other user. *See id.* at [0167]-[0169] and [0175]-[0176].

Reto notes that “users of different client devices can communicate with each other and share the interactive television watching experience by merely selecting a displayed content icon button, for example, by using a remote control unit.” *See id.* at [0042]. However, Reto does not describe, teach or suggest that a user at one location **requests** media content of another **user** (as opposed to broadcast television or a pay-per-content provider). Reto indicates that a “user can send an icon indicated on one of the suggested icon buttons 61 directly to the target client device” (*see id.* at [0124]), but Reto does not describe, teach or suggest that the target device requests such an icon.

As explained above, Reto does not describe, teach or suggest the following, as recited in claim 1:

receiving a **request** for consumption of **media** of a second user **at the second location**, from a **first user at the first location**;

at the time of said **receiving the request for consumption of media of the second user at the second location, from the first user at the first location**, sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one condition is met, to enable interaction of the first user and the second user during media consumption by the first user.

Independent claims 11, 22, 30 and 40 recite similar limitations.

The Office Action acknowledges that Finseth also does not describe, teach or suggest these limitations. *See* August 11, 2009 Office Action at page 3. Because neither Finseth nor Reto describes, teaches or suggests these limitations, the combination of the two, by definition, also cannot describe, teach or suggest them. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination does not render the pending claims unpatentable.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (*e.g.*, if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100